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Notice of Allowability	Application No.	Applicant(s)	
	10/719,941	HAYES, ROBERT R.	
	Examiner	Art Unit	
	John D. Lee	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1103</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

John D. Lee
John D. Lee
Primary Examiner

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance: After extensive search by the undersigned Examiner, it has been concluded that the prior art does not disclose or suggest a method and apparatus for channelizing amplitude modulated optical signals involving the specific steps and elements set forth in applicant's claims 1 and 18, respectively (i.e. first and second amplitude modulators, one of which modulates a frequency comb having equal channel spacing onto an optical signal to generate a plurality of local oscillator optical signals; optical waveguides; first optical resonators having different predetermined resonant frequencies corresponding to different predetermined channels of the frequency comb to remove a particular channel; second optical resonators having different predetermined resonant frequencies corresponding to different resonant frequencies of corresponding first optical resonators to remove the corresponding local oscillator optical signal; and a plurality of photodetectors for summing the removed channel and local oscillator signals to generate a plurality of sub-band data signals). There are several known optical data channelizing methods and systems as evidenced by the prior art documents cited on the attached forms PTO-892 and PTO-1449. None of the known methods and systems, however, utilizes the same steps and elements set forth in applicant's claims. Claims 1-33 herein are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

DISCUSSION OF THE CITED PRIOR ART

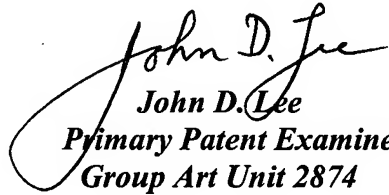
The prior art made of record by the Examiner and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,468,766 to Spezio, U.S. Patent 6,269,200 to Wickham et al, U.S. Patent 6,901,224 to Davis describe modulation-based optical channelizers, but none includes the same arrangement of elements as applicant's. U.S. Patent Application Publication 2003/0090767 A1 to Yap et al describes an RF lightwave waveform generator that is similar to the channelizers of the three just-mentioned U.S. Patents.

The prior art cited by the applicant on the attached form PTO-1449 also shows related methods and systems, all of which are different from the method and system claimed herein. All of these cited documents have been considered and made of record (note the attached initialed copy of form PTO-1449).

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the

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technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.


John D. Lee
Primary Patent Examiner
Group Art Unit 2874